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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/753,792	01/03/2001	Kurosh Samari-Kermani	20000426.ORI	1961

23595 7590 02/21/2006

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EXAMINER

POON, KING Y

ART UNIT	PAPER NUMBER
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2624

DATE MAILED: 02/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/753,792

Applicant(s)

SAMARI-KERMANI, KUROSU

Examiner

King Y. Poon

Art Unit

26245

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/12/2005 has been entered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 15-18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding claim 15: The limitations "optionally deleting the job file and the job data" are subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding claim 17: The limitation of "keeping the patient data on a hard drive when the job is completed" and "creating multiple back up jobs until all back up data is

Art Unit: 2624

assigned to a back up job" are subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The examiner has searched for the limitation that multiple print jobs are being created and all backup data is assigned to one backup job and the creating of the print jobs would not be stopped until all backup data is assigned to the one backup job, and can not found one.

Regarding claims 16, 18: Claims 16, 18 are rejected under 35 U.S.C. 112, first paragraph because they depend on rejected claim 15.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 15, 16, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pelanek in view of Murray et al (US 5,721,891), Koritzinsky (US 6,988,074), Kahle (US 5,518,325), Laney et al (US 6,366,966).

Regarding claims 15, 16: Pelanek teaches a medical data recording method (fig. 1) comprising: receiving medical data (32 received medical data from 30, fig. 1),

Art Unit: 2624

extracting (extract a patient information from at least 2 patients, column 5, lines 59-62) patient and study information from the medical data (column 5, lines 40-45, column 5, lines 25-30; note, the patient information would be supplied by image source 58) received and storing the patient and study information, adding medical data to a job folder (directory, column 5, lines 49), creating a job file (the collection of data that is being sent to the CD writer, fig. 3, fig. 4) and storing it (inherent properties of sending created data file, images), submitting the job file to the CD writer, burning a DISC with the data produced by the job file (column 4), optionally deleting the job file and the job data (examiner is taking official notice, it is well known in the art to delete data file. It would benefit Pelanek because Pelanek's hard drive would run out memory if none of the created file in the hard drive are deleted).

Pelanek does not teach a timer detects a pause in a data stream to select the end of the data transmitted to the computer for each job.

Murray, in the same area of transmitting data, teaches a timer (column 2, lines 30-35) detects a pause (column 2, lines 40-50) in a data stream to select the end of the data transmitted.

Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Pelanek to include: noting the end of the patient and study information from the received medical data by a time out period,

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Pelanek data storing method by the teaching

Art Unit: 2624

of Murray because of the following reason: (a) it would have improved the system of Pelanek for detecting the end of data transmitted, as taught by Murray at column 1.

Pelanek does not teach what kind of imaging standard is used for presenting his medical images; therefore a person with ordinary skill in the art would need to rely on other references for imaging standard of presenting the medical images.

Koritzinsky, in the same area of medical images teaches DICOM is widely used for data presentation in the field of medical.

Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Pelanek to include: processing the received medical data to comply with DICOM standard and to include the system file for DICOM (DICOM inherently contains system file for data presentation) in the directory/job folder (note 1).

It would have been It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Pelanek data storing method by the teaching of koritzinsky because of the following reason: (a) it would have allowed a person with ordinary skill in the art to made use of Pelanek's system, and (b) it would have allowed the stored images to be view by other medical systems.

Note 1: Since Pelanek teaches to store information using directory, and it is well known in the art that most computer system stored information using directories, it would have been obvious to stored the system file and other data file used for recording in a directory-at least in the root directory.

Pelanek also does not teach viewing software; print template file; and print template merge file for printing a template, using an autoloader, on the DISC.

Laney, in the same area of viewing data stored in a CD, on a computer; teaches recording (not all data on a CD are inherently recorded) software on the medium for viewing the data stored thereon on a computer (column 3, lines 15-65). Kahle teaches print template file, (title, column 7, lines 1-5) and print template merge file (form, column 7, lines 1-4) for printing a template on the DISC (column 7, lines 55-60).

Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Pelanek CD to include: recording software on the medium for viewing the data stored thereon on a computer.

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Pelanek CD recording method by the teaching of Laney because of the following reason: (a) it would have provide user with a greater ease of using the computer, as taught by Laney at column 1, lines 10-42.

It would also have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Pelanek to include: print template file, a print template merge file in the directory of computer of Pelanek and a autoloader for receiving the print job file/collected data for printing a template on the DISC.

It would also have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Pelanek because: (a) it is desirable, (b) it would provide a system for printing on each disk immediately before or after it is recorded, without requiring the manual writing of ID information; and (c) the greatest

Art Unit: 2624

product quality and integrity as well as improved production cycle time can be assured; as taught by Kahle, column 1, lines 40-50).

Regarding claim 18: Pelanek teaches backing up the patient data on a DISC if desired (inherently properties of storing data on a DISC, also see column 3, lines 43-45).

Response to Arguments

6. Applicant's arguments filed 12/12/2005 have been fully considered but they are not persuasive.

With respect to applicant's argument regarding 112 first paragraph rejection has been considered.

In reply: The applicant does not use the same expression being used in the specification in the claims. Such practice cause confusion and would not permit the examiner to properly conduct a search for the claimed invention; especially when new matter are introduced.

For example, claim 15 (previously presented) claims optionally deleting the job file and job data. The only place in the specification that is related to "deleting" is on page 9, lines 18-19, specification, which states "if backup enable 83 is false, the patient directory is deleted..." Therefore, the examiner thought that the job file is the patient directory. Upon further review of the application, page 8, lines 22-26, states that "...a [job].job file containing the job control information for the autoloader control software is created in the Spool Directory..."

Clearly the "information for an autoloader control software are stored in Spool directory and are not stored in the patient directory.

Therefore, the examiner applied the 112 first paragraph rejection in the office action mailed on 6/10/2005, based on examiner's logical conclusion.

Applicant's explanation (page 7, lines 8-12, amendment filed 12/12/2005) further adds confusion to the matter.

It appears the applicant is trying to claim the autorun feature of page 8, lines 13-14 that starts the viewer after the DISC has been created and being view by users and refer such feature as autoloader. Applicant is advised to amend the claims to reflect that. The way the claim is written appears to mislead the examine of thinking the applicant is claiming a job file of containing job control information for the autoloader of 46, fig. 1, and not the autorun feature of page 8, lines 13-14.

It is advised that the applicant could use the same terminology used in the specification for the claims to avoid confusion and would also allowed the examiner to conduct a proper search for the invention without the confusion as indicated in the above examples.

Conclusion

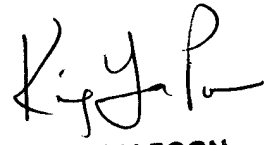
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to King Y. Poon whose telephone number is 571-272-7440. The examiner can normally be reached on Mon-Fri 8:00-4:30.

Art Unit: 2624

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on 571-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

February 6, 2006


KING Y. POON
PRIMARY EXAMINER